

Application No.: 10/664,783

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Docket No.: 495152000610

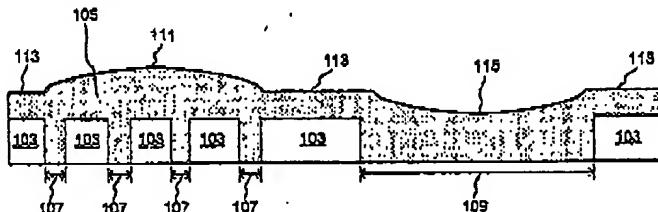
**REMARKS/ARGUMENTS**

In the final Office Action dated May 26, 2005, claims 11, 15, 16, 21-24, 28-30, 44, 47, 48, 52-55, and 58-60 were rejected, claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to, and claims 31-43 were allowed. Applicants request reconsideration of the rejected and objected to claims in view of the following remarks.

**I. Claim Rejections – 35 USC 102**

Claims 11, 15, 24, and 29 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,653,226 (the Reid reference).

In the Final Office Action, the Examiner states that the Examiner referred to structures 103 as the dummy structures formed in the recessed area 107/109. In FIG. 1A of the Reid reference, which is reproduced below, however, reference number 103 is used to reference dielectric layer 103, reference number 107 is used to reference high aspect ratio features 107, which are typically used for conductive lines and vias, and reference number 109 is used to reference low aspect ratio features 109, which are typically used for contact pads.



Independent claim 11 recites that the dielectric layer is formed having a recessed area and a non-recessed area, and that dummy structures are formed within the recessed area. In contrast, as can be seen from above, FIG. 1A of the Reid reference depicts four high aspect ratio features 107 and one low aspect ratio feature 109 formed as recessed areas in dielectric layer 103, with the remnant portions of dielectric layer 103 in FIG. 1A corresponding to the non-recessed area and not the dummy structures recited in claim 11. Because claim 11 recites that a dummy structure is

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formed within a recessed area, a dummy structure should appear in FIG. 1A as being formed within the low aspect ratio feature 109 or one of the four high aspect ratio features 107.

With regard to the four high aspect ratio features 107 in FIG. 1A, Applicants assert that it would be inconsistent with the teachings of the Reid reference to view these as being a single recessed area. As noted above, the Reid reference discloses that high aspect ratio features 107 have "larger depth than width." If the four high aspect ratio features 107 in FIG. 1A was a single recessed area, the singled recessed area would have a larger width than depth, which is a low aspect ratio feature rather than a high aspect ratio feature as defined by the Reid reference. Additionally, the Reid reference discloses that the high aspect ratio features 107 are typically used for conductive lines and vias. Thus, when viewed from a top view, the high aspect ratio features 107 would appear as distinct recessed areas rather than portions of a single recessed area.

Furthermore, while FIG. 2A of the present application may appear to be similar to the portion of FIG. 1A of the Reid reference depicting high aspect ratio features 107, Applicants note that the similarity results from the fact that both are cross sectional views. As set forth in paragraph [0054] of the present application, FIG. 4 depicts an exemplary recessed area 100 that is a wide trench structure from a top view. As can be seen from FIG. 4, recessed area 100 is a single feature with dummy structures 200 disposed within it. In contrast, for the reasons set forth above, a corresponding top view of FIG. 1A from the Reid reference would show high aspect ratio features 107 as being distinct recessed areas.

Thus, Applicants assert that claim 1 is allowable over the Reid reference. Applicants also assert that claims 15, 24 and 29 are allowable for at least the reason that they depend from an allowable independent claim.

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**II. Claim Rejections – 35 USC 103**

Claims 16, 21-23, 28, 44, 47, 48, 52-55, 58, 59, and 60 were rejected under 35 USC 103(a) as being unpatentable over the Reid reference in further view of U.S. Patent No. 6,383,917 (the Cox reference).

Independent claim 44 recites that a dielectric layer is formed having a recessed area and a non-recessed area, and that dummy structures are formed within the recessed area. For the reasons set forth above, Applicants assert that the Reid reference does not disclose or suggest dummy structures formed within recessed areas formed in a dielectric layer. The Examiner has not asserted that the Cox reference discloses the dummy structures recited in claim 44.

Thus, Applicants assert that claim 44 is allowable over the combination of the Reid reference and the Cox reference. Additionally, Applicants assert that claims 47, 48, 52-55, 58, 59, and 60 are allowable for at least the reason that they depend from an allowable independent claim, claim 44. Similarly, Applicants assert that claims 16, 21-23, and 28 are allowable for at least the reason that they depend from an allowable independent claims, claim 11.

**III. Allowable Subject Matter**

Claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to as being dependent upon a rejected base claim. For the reasons set forth above, Applicants assert that these claims depend from allowable independent claims, claims 1 and 44.

Applicants thank the Examiner for the allowance of claims 31-43.

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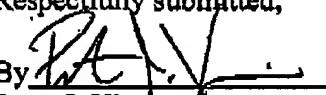
IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal form is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 495152000610. The Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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